

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**ARLENE CANNON and on behalf  
of her minor daughter  
KARA CANNON,**

**Plaintiff,**

**V.**

**NATIONAL RAILROAD PASSENGER  
CORPORATION (Amtrak),**

**Defendant.**

**Civil Action No.: 02-3657**

**The Honorable James McGirr Kelly**

**DEFENDANT NATIONAL RAILROAD PASSENGER CORPORATION'S  
MOTION FOR JUDGMENT ON THE PLEADINGS  
OR, ALTERNATIVELY, SUMMARY JUDGMENT**

Defendant National Railroad Passenger Corp. (“Amtrak”) hereby asks this Court, pursuant to Fed. R. Civ. Proc. 12(c) and 56, to enter judgment on the pleadings in its favor or, alternatively, summary judgment in its favor for the following reasons.

1. Plaintiff Arlene Cannon lacks standing to assert a disability discrimination claim under either Title II of the American with Disabilities Act (“ADA”), 42 U.S.C. § 12131 et seq., or the Rehabilitation Act of 1973, 29 U.S.C. § 794.

2. Because Kara Cannon's disabilities preclude her from satisfying the essential eligibility requirements for traveling safely on Amtrak trains, Plaintiffs cannot establish that she is a qualified individual with a disability under either the ADA or the Rehabilitation Act.

3. Even if Plaintiffs were entitled to protection under the ADA or the Rehabilitation Act, the conduct they complain of does not constitute a violation of the ADA or the Rehabilitation Act.

4. Because Plaintiffs cannot establish that Amtrak intentionally discriminated against them in any way, their compensatory damages claims are barred as a matter of law.

5. Recent Supreme Court precedent requires dismissal of Plaintiffs' punitive damage claims.

A copy of the complaint in this action is attached to this motion. In support of this motion, Amtrak will rely upon the accompanying Declaration of Eliza F. Kelly and Memorandum of Law.

WHEREFORE, Defendant Amtrak respectfully requests that this Court enter judgment in its favor.

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